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ALEXANDER L. STEVAS,
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No. 82-827

Supreme Court of the United States

October Term, 1982

STATE OF MINNESOTA,

Petitioner,

vs.

MARSHALL DONALD MURPHY,

Respondent.

ON WRIT OF CERTIORARI TO THE
MINNESOTA SUPREME COURT

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED ON NOVEMBER 9, 1982
CERTIORARI GRANTED ON JANUARY 17, 1983

1983—Northwest Brief Printing Co., 3010 2nd St. No., Minneapolis 55411—588-7506

IN THE

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TABLE OF CONTENTS

	Page
Relevant Docket Entries	A-2
Indictment	A-3

The following opinion, judgment, order, and transcript of proceedings have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the printed Petition for Certiorari:

Opinion and Judgment of the Minnesota Supreme Court A-1
Memorandum and Order of the Hennepin County District Court B-1
Partial Transcript of Omnibus Hearing and Exhibits .. C-1
Partial Transcript of Motion to Dismiss Proceedings .. D-1

RELEVANT DOCKET ENTRIES

October 2, 1981	Complaint charging respondent with Murder in the Second Degree filed
October 29, 1981	Indictment charging respondent with Murder in the First Degree filed
January 12-13, 1982	Pretrial Hearing held
January 5, 1982	Defendant's motion to suppress statements made to probation officer filed
February 2, 1982	Order denying defendant's motion to suppress statements made to probation officer filed
February 3, 1982	Trial court certifies appeal to the Minnesota Supreme Court
August 31, 1982	Opinion of the Minnesota Supreme Court suppressing statements made to probation officer filed
September 21, 1982	Judgment of the Minnesota Supreme Court entered
September 23, 1982	Trial court dismisses indictment and stays dismissal pending appeal to this Court
November 9, 1982	Petition for Writ of Certiorari filed
December 8, 1982	Brief in Opposition filed
December 13, 1982	Reply Brief filed
January 17, 1983	Petition for Writ of Certiorari granted

A-3

State of Minnesota County of HENNEPIN DISTRICT Court

CCT 1 SECTION/Subdivision 609.185(2)

U.O.C. 0904 GOC N

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CHIEF CLERK-ADMINISTRATOR

LEA ATT'S FILE NO.	CONTROLLING AGENCY	CONTROL NO.
81-2515	0271100	74-35588
CLERK FILE NO. 79037	DATE FILED 10-29-81	

Indictment

FILED

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HENNEPIN COUNTY MINNESOTA COURT ADMINISTRATOR

State of Minnesota

PLAINTIFF,

VS.

☒ FELONY ☐ GROSS MISDEMEANOR

NAME: first, middle, last	Date of Birth	S/IS COMPLAINT NUMBER
MARSHALL DONALD MURPHY	12/4/52	27-11-2-025341
		~~27-11-3-025342~~
		~~27-11-4-025343~~
		~~27-11-5-025344~~
		~~27-11-6-025345~~
		~~27-11-7-025346~~

DEFENDANTS.

INDICTMENT

The above-named Defendant (s) is/are hereby accused and charged by the Grand Jury of the above-named County, in the State of Minnesota, by this indictment of the offense (s) of:

MURDER IN THE FIRST DEGREE

in violation of: SECTION

§609.185(2) , Minnesota Statutes 1974

Committed on/the or about 29th *day of* October , *19* 74, *at*

LOCATION

City of Minneapolis, Hennepin County, Minnesota,

in the above-named County, Minnesota.

SJIS
27-11-2-025341

MURDER IN THE FIRST DEGREE
§609.185(2)

That on or about the 29th day of October, 1974, within the corporate limits of the City of Minneapolis, Hennepin County, Minnesota, MARSHALL DONALD MURPHY, then and there being, did wilfully, unlawfully, wrongfully, knowingly and feloniously cause the death of a human being, to-wit: Sherrie Cole, while committing or attempting to commit rape or sodomy with force or violence either upon or affecting the said Sherrie Cole or another.

NAMES OF WITNESSES EXAMINED BEFORE THE GRAND JURY:

Dr. Garry Peterson
Lt. James Breen
Mara Widseth
Pam McGee
Jacqueline Johnson
Phyllis Gagnon
Phillip DuBois

DATE
OCTOBER 29, 1981

Signature of Foreperson of the Grand Jury
Freddie Mays-Jones

STATE OF MINNESOTA *COUNTY OF*
HENNEPIN

Clerk's Signature or File Stamp

State of Minnesota

Plaintiff,

vs.

MARSHALL DONALD MURPHY,

Defendant(s)

RETURN OF SERVICE
I hereby Certify and Return that I have served copy of this INDICTMENT upon the Defendant(s) herein named.
Signature of Authorized Service Agent.